

1 Certified Mail®/Domestic Return Receipt (PS Form 3811) No.: 7019 2970 0000 4676 8408

United States District Court  
for the  
*Western District of Texas*  
**AUSTIN DIVISION**

2020 MAY 22 PM 3:17

CLERK'S OFFICE OF COURT  
WESTERN DISTRICT OF TEXAS  
BY C

**MARK JOSEPH WATSON©, *ens legis***  
*Plaintiff*

vs.

**TEXAS STATE UNIVERSITY**  
*Defendant*

1:20-CV-0553 RP  
Case No. 1:20-CV-

**FRCP Rule 9(h)<sup>1</sup> – BENCH TRIAL**  
**46 U.S.C. § 30903. Waiver of immunity, Texas**  
***Constitution – Article 11 – Municipal***  
***Corporations, and 28 U.S.C. § 1605(a)(2)***

6  
7 **COMPLAINT WITHIN THE ADMIRALTY ALLEGING A VIOLATION OF RESERVATION**  
8 **OF RIGHTS PURSUANT TO THE TEXAS BUSINESS AND COMMERCE CODE § 1-308,**  
9 **THE TRUTH IN LENDING ACT, REGULATION Z [12 C.F.R. § 226.23(A)(3)] AND**  
10 **COMMON LAW COPYRIGHT NOTICE (ITEM NO. 921803-2/CLCN) SEEKING**  
11 **ENFORCEMENT OF A COMMERCIAL LIEN**  
12 **[28 U.S.C. § 1333<sup>2</sup>, 46 U.S.C. 30101<sup>3</sup>, and 28 U.S.C. § 1338(c)<sup>4</sup>]**

14 TO THE HONORABLE JUDGE of said court NOW COMES, MARK JOSEPH WATSON©,  
15 *ens legis*, filing this *Complaint Within the Admiralty Alleging a Violation of Reservation of Rights*  
16 *Pursuant to the Texas Business and Commerce Code § 1-308, the Truth in Lending Act, Regulation Z*  
17 *[12 C.F.R. § 226.23(a)(3)] and Common Law Copyright Notice (Item No. 921803-2/CLCN) Seeking*  
18 *Enforcement of a Commercial Lien.*

## **I. The Parties to this Complaint**

## A. The Plaintiff

MARK JOSEPH WATSON©, *ens legis*  
1334 N Interstate 35 TRLR 36  
San Marcos, Texas 78666-7120  
(214) 659-1265  
[mark.joseph.watson@gmail.com](mailto:mark.joseph.watson@gmail.com)



- 1 FRCP Rule 9(h) ... Pleading Special Matters ... (h) **ADMIRALTY OR MARITIME CLAIM.** (1) How Designated. If a claim for relief is within the admiralty or maritime jurisdiction and also within the court's subject-matter jurisdiction on some other ground, the pleading may designate the claim as an admiralty or maritime claim for purposes of Rules 14(c), 38(e), and 82 and the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. A claim cognizable only in the admiralty or maritime jurisdiction is an admiralty or maritime claim for those purposes, whether or not so designated.
  - 2 28 U.S.C. § 1333 Admiralty, maritime, and prize cases.
  - 3 46 U.S.C. § 30101 *Admiralty Extension Act*.
  - 4 28 U.S.C. § 1338(c) Patents, plant variety protection, **copyrights**, mask works, designs, trademarks, and unfair competition

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27           **B. The Defendant**

28           TEXAS STATE UNIVERSITY  
 29           Dr. Denise M. Trauth  
 30           *Office of the President*  
 31           J.C. Kellam Building, 10th Floor  
 32           601 University Drive  
 33           San Marcos, Texas 78666-4684  
 34           Phone: (512) 245.2121  
 35           Email: [president@txstate.edu](mailto:president@txstate.edu)

36           **II. Basis for Jurisdiction**

37           U.S. DISTRICT COURT for the *Western District of Texas*, Austin Division (a.k.a. the court), is a  
 38           court of limited jurisdiction. Under 28 U.S.C. § 1333, 28 U.S.C. § 1338(c), and 28 U.S.C. §  
 39           1605(a)(2) the court may hear complaints **within the admiralty** seeking enforcement of a  
 40           commercial lien. Under 46 U.S.C. § 30903 [*Suits in Admiralty Act (SIAA)*] is a specific  
 41           waiver of the sovereign immunity defense for TEXAS STATE UNIVERSITY for value  
 42           established by affidavit **within the admiralty** [*Admiralty Extensions Act (AEA)*... 46 USC §  
 43           30101<sup>5</sup>].

44           **A. The Plaintiff to this Complaint**

- 45           1. The *Plaintiff* is a COPYRIGHTED corporate fiction, *ens legis* (a.k.a. strawman).  
 46           2. The *Plaintiff*, MARK JOSEPH WATSON©, *ens legis*, is a transmission utility under  
             the *Uniform Commercial Code*<sup>6</sup> (UCC) as adopted by the Texas *Business and*  
             *Commerce Code* (BCC) and is the property of Mark-Joseph: Watson, *Secured Party*  
             and resident of the state of Texas.

50           **B. The Defendant to this Complaint**

- 51           1. The *Defendant* is a **municipal corporation**.  
 52           2. The *Defendant*, TEXAS STATE UNIVERSITY, is incorporated under the laws of the  
             STATE OF TEXAS, and has its principal place of business in the STATE OF TEXAS.

54           **C. The amount in controversy**

55           The amount in controversy is TWO MILLION FIVE HUNDRED THIRTY ONE  
 56           THOUSAND THREE HUNDRED FIFTY DOLLARS AND ZERO CENTS,  
 57           \$2,531,350.00, which includes costs of the court, and reasonable attorney's fees.

58           **III. Statement of the Claim**

59           In the UNITED STATES there are three types of jurisdiction: Equity (or Civil), Criminal  
 60           (Common Law), and Admiralty (which can be both Civil and Criminal but requires a verbal  
 61           or written **contract**). To be charged with a Common Law crime there has to be both an  
 62           “injured party” and criminal intent. A government is a legal fiction and has no rights and  
 63           cannot be an “injured party”. Only human beings have rights. Individuals can testify against  
 64           an accused person but a legal fiction cannot.

65           “The individual may stand upon his constitutional rights as a citizen. He is  
 66           entitled to carry on his private business in his own way. His power to contract  
 67           is unlimited. He owes no such duty [to submit his books and papers for  
 68           an examination] to the State, since he receives nothing therefrom,  
 69           beyond the protection of his life and property. His rights are such as



5     46 U.S.C. § 30101 Extension of jurisdiction to cases of damage or injury on land.  
 6     International maritime contract law.

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71 existed by the law of the land [Common Law] long antecedent to the  
 72 organization of the State, and can only be taken from him by due process of  
 73 law, and in accordance with the Constitution. Among his rights are a refusal to  
 74 incriminate himself, and the immunity of himself and his property from arrest  
 75 or seizure except under a warrant of the law. He owes nothing to the public so  
 76 long as he does not trespass upon their rights." Hale v. Henkel, 201 U.S. 43 at  
 77 47 (1905).

78  
 79 "There are no common law offenses against the United States. Only those acts  
 80 which Congress has forbidden, with penalties for disobedience of its  
 81 command, are crimes." *United States v. Hudson & Goodwin*, 11 U.S. (7 th Cr.)  
 82 32 (1812); *United States v. Coolidge*, 14 U.S. (1 Wheat.) 415 (1816); *United*  
 83 *States v. Britton*, 108 U.S. 199, 206 (1883); *United States v. Eaton*, 144 U.S.  
 84 677, 687 (1892).

85  
 86 "Actions to recover penalties imposed by act of Congress generally but not  
 87 invariably have been held not to be criminal prosecutions." *Oceanic*  
 88 *Navigation Co. v. Stranaham*, 214 U.S. 320 (1909); *Hepner v. United States*,  
 89 213 U.S. 103 (1909); *United States v. Regan*, 232 U.S. 37 (1914).

90  
 91 Contempt proceedings, which were at one time not considered to be criminal  
 92 prosecutions, are no longer within that category. Compare *In re Debs*, 158  
 93 U.S. 564 (1895), with *Bloom v. Illinois*, 391 U.S. 194 (1968).

94  
 95 Please refer to **Exhibit A** – Incident Report 20006117 it indicates that the victim of the  
 96 alleged crime of criminal trespass **during** (the time on the report was 8:51PM) park hours  
 97 (San Marcos, Texas park hours are from 6:00AM to 11:00PM) was the STATE OF TEXAS  
 98 (Article 11 of the *Texas Constitution* recognizes the STATE OF TEXAS as a corporation and the  
 99 counties and cities as municipal corporations). In the report it indicates that I was WARNED  
 100 NOT to be on public property **after hours** yet I was not handed any such citation. There were  
 101 no violations of the rules of the use of public property. Therefore, no criminal trespass. I  
 102 informed them that I was watching wildlife (deer) while working on my computer (during  
 103 park hours). They obviously there for harassment purposes only. There is a Trump/Pense  
 104 bumper sticker on the back of my truck.

105  
 106 Absent an injured party there was no common law crime and in *ex parte Milligan*, 71 U.S. (4  
 107 Wall.) 2 (1866) the Supreme Court ruled the **application of military tribunals to citizens**  
 108 when civilian courts are still operating is **unconstitutional**. What both Officer James Dixon  
 109 and Officer Travis Talbot were doing was attempting to negotiate a **maritime contract** on  
 110 behalf of the STATE OF TEXAS and with MARK JOSEPH WATSON©, *ens legis* (a  
 111 transmission utility created with my birth certificate prusuant to the *Uniform Commercial*  
 112 *Code*). A detailed explanation of this can be found in *Proof That There is a*  
 113 *"Straw Man"* (<https://sedm.org/Forms/05-MemLaw/StrawMan.pdf>) and *The*  
 114 *Secret Maritime Jurisdiction of the United States Exposed* (<http://usa-the-republic.com/items%20of%20interest/Special%20Maritime%20Exposed.pdf>).  
 115 Both books are free to download.



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117  
 118 In order to thwart any further harassment I e-mailed Officer James Dixon the next morning.  
 119 Please refer to **Exhibit B** – e-Mail to Officer James Dixon. As evident by the e-mail, the  
 120 maritime contract negotiated by both Officer James Dixon and Officer Travis Talbot was  
 121 rescinded pursuant to the *Texas Business and Commerce Code* sec. 1-308 [same as the  
 122 Uniform Commercial Code (UCC)] and the *Truth in Lending Act*, Regulation Z [12 C.F.R. §  
 123 226.23(a)(3)]. Absent a contract the STATE OF TEXAS lack jurisdiction to compel  
 124 performance.

125  
 126 When a judge knows that he lacks jurisdiction, or acts in the face of clearly  
 127 valid statutes expressly depriving him of jurisdiction, judicial immunity is  
 128 lost. *Rankin v. Howard*, (1980) 633 F.2d 844, cert. Den. *Zeller v. Rankin*, 101  
 129 S.Ct. 2020, 451 U.S. 939, 68 L.Ed 2d 326.

130  
 131 A judge must be acting within his jurisdiction as to subject matter and person,  
 132 to be entitled to immunity from civil action for his acts. *Davis v. Burris*, 51  
 133 Ariz. 220, 75 P.2d 689 (1938).

134  
 135 When a judicial officer acts entirely without jurisdiction or without  
 136 compliance with jurisdiction requisites he may be held civilly liable for abuse  
 137 of process even though his act involved a decision made in good faith, that he  
 138 had jurisdiction. *Little v. U.S. Fidelity & Guaranty Co.*, 217 Miss. 576, 64 So.  
 139 2D 697.

140  
 141 "No judicial process, whatever form it may assume, can have any lawful  
 142 authority outside of the limits of the jurisdiction of the court or judge by  
 143 whom it is issued; and an attempt to enforce it beyond these boundaries is  
 144 nothing less than lawless violence." *Ableman v. Booth*, 21 Howard 506 (1859).

145  
 146 "We (judges) have no more right to decline the exercise of jurisdiction which  
 147 is given, than to usurp that which is not given. The one or the other would be  
 148 treason to the Constitution." *Cohen v. Virginia*, (1821), 6 Wheat. 264 and U.S.  
 149 v. Will, 499 U.S. 200.

150  
 151 I was approached by Officer Travis Talbot on Friday, March 27, 2020 at 8:37AM. He  
 152 immediately started threatening *quasi in rem* arrest for failure to perform under the maritime  
 153 contract. **I informed him that it wasn't after hours.** He started getting violent and  
 154 threatening *quasi in rem* arrest if I didn't leave immediately. I was in the park sitting in my  
 155 truck in a parking space under an oak tree writing a brief. I had a deadline on my brief so I  
 156 complied with his unlawful demand. As I was leaving I remembered I didn't get his business  
 157 card so I had a record of whom was in VIOLATION of *Common Law Copyright Notice* (Item  
 158 No. 921803-2/CLCN) and *Affidavit of Reservation of Rights UCC 1-308*.

159  
 160 I pulled over to the side a waived for him to come over. He immediately started  
 161 getting violent and threatening *quasi in rem* arrest. He started yelling at me not  
 162 to argue with him and I said I wasn't. I was asking him for a business card.



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163 Ultimately another officer and I got a business card. I filed an open records request the  
 164 following Monday. Officer Talbot's actions were not only offensive they were a criminal  
 165 infringement of a copyright (18 U.S.C. § 2319) and felony civil rights crimes [18 U.S.C. §  
 166 241 and 18 U.S.C. § 242 under the color of *Texas Business and Commerce Code* sec. 1-308  
 167 and 12 C.F.R. § 226.23(a)(3)] along with several State crimes (false police report, unlawful  
 168 detention, and harassment). **Exhibit C** is the Incident Report for the exchange involving  
 169 Officer Talbot.  
 170

171 Both Officer Talbot and Officer Dixon had copies of *Common Law Copyright Notice* (Item  
 172 No. 921803-2/CLCN) and *Affidavit of Reservation of Rights UCC 1-308*. By leaving a falsely  
 173 filed Criminal Trespass Warning in affect and threatening *quasi in rem* arrest there were two  
 174 violations of the copyright notice and reservation of rights. The copyright notice multiples  
 175 the reservation of rights violation by three. The copyright notice is a **self-executing contract**  
 176 **with power of sale and right of non-judicial foreclosure.**

#### IV. Relief

177 I ask that the Court order the clerk to issue the proposed *Writ of Attachment* enter judgment  
 178 against the *Defendant* for **\$2,531,350.00** which includes costs of the court and reasonable  
 179 attorney's fees.  
 180

#### V. Certification and Closing

181 Although not required by *Federal Rules of Civil Procedure* - Rule 11, this complaint  
 182 contains an affidavit requiring a point by point rebuttal for the complaint not to **stand as**  
 183 **judgment under common law**. Under Rule 11, by signing this *Complaint Within the*  
 184 *Admiralty Alleging a Violation of Reservation of Rights Pursuant to the Texas Business and*  
 185 *Commerce Code* § 1-308, *the Truth in Lending Act, Regulation Z* [12 C.F.R. § 226.23(a)(3)]  
 186 *and Common Law Copyright Notice* (Item No. 921803-2/CLCN) *Seeking Enforcement of a*  
 187 *Commercial Lien*, I certify to the best of my knowledge, information, and belief this  
 188 complaint: (1) is not being presented for an improper purpose, such as to harass, cause  
 189 unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing  
 190 law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3)  
 191 the factual contentions have evidentiary support or, if specifically so identified, will likely  
 192 have evidentiary support after a reasonable opportunity for further investigation or discovery;  
 193 and (4) the complaint otherwise complies with the requirements of Rule 11.  
 194

195  
 196 I also certify under penalty of perjury (28 U.S.C. § 1746) that the foregoing complaint bares  
 197 witness to the TRUTH and is supported with evidence and unrebutted testimony (affidavits).  
 198 I also certify that, out of respect for Congress, the court, and the people it serves, I do not  
 199 misrepresent the court's jurisdictional authority to enforce the commercial lien.  
 200

201 Without Prejudice UCC 1-308,  
 202 Autographed on Friday, May 22, 2020.  
 203  
 204

205 Mark-Joseph: Watson, Secured Party/Creditor, Authorized  
 206 Representative, Attorney-In-Fact, on behalf of  
 207 MARK JOSEPH WATSON©, *ens legis*  
 208 Texas UCC1 File No. 19-0003750520

